

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION

OSBALDO J. NICOLAS,

Plaintiff,

VS.

No. 15 CV 0964

NATHAN BERRY; WILLIAM QUALLS;  
JUSTIN SNELL; MATHEW PURDOM;  
ROBERT HUGHES; JASON HART;  
RICHARD HARRINGTON; KIMBERLY  
BUTLER; and AMY LANG,

Defendants.

The videoconference deposition of WILLIAM DAVID QUALLS, taken pursuant to the Federal Rules of Civil Procedure, before Suzanne Thalji, Certified Shorthand Reporter No. 084-002337, at 20 North Clark Street, Suite 1260, Chicago, Illinois, on Monday, July 31, 2017, commencing at 12:21 o'clock p.m. pursuant to notice.

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1 year ago.

2 Q. And was that through the process that  
3 you just described of having your Legal Department  
4 contact you?

5 A. Yes, ma'am.

6 Q. Okay. Do you recall what information  
7 you learned about Osbaldo Nicolas's allegations  
8 against you at the time you received that packet of  
9 information?

10 A. At the time I received it, I can't read  
11 it. I just sign for it, and then you kind of read  
12 it -- you get a chance to read it later on. I was  
13 kind of surprised to hear some of the accusations  
14 that were being made.

15 Q. What is your recollection of the  
16 accusations that were made?

17 A. Well, the one that I can actually  
18 remember was that I supposedly had someone else  
19 hold him up while I punched him in the face.

20 Q. And you deny doing that?

21 A. Absolutely, absolutely.

22 Q. Have you ever been accused by any other  
23 inmate at Menard Correctional Center for using  
24 excessive force against them?

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1 A. Yes, ma'am.

2 Q. Okay. And do you recall taking Osbaldo  
3 Nicolas to segregation?

4 A. I do not particularly recall it, no.

5 Q. Do you recall him slipping on ice  
6 outside when he was en route to segregation?

7 A. If my recollection is correct, I do  
8 believe there was a 434 written because he slipped  
9 on the ice, took my feet out from underneath me,  
10 and we both went down.

11 Q. If he was walking over to segregation  
12 with you, just in the typical course, would he have  
13 been handcuffed?

14 A. Yes, ma'am, he would have.

15 Q. Would his legs have been shackled?

16 A. No, he would not have.

17 Q. Okay. So aside from the handcuffs,  
18 would he have been restrained in any other way?

19 A. I would be walking with my hand on his  
20 arm or forearm, but that would have been it. He  
21 would have his handcuffs on and no other  
22 restraints.

23 Q. Okay. Now, had you noticed injuries on  
24 Mr. Nicolas when he was in the west house, would

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1           A.       Mr. Nicolas slipped and came into my  
2 feet which took me out from under -- took me off of  
3 my feet, and I actually landed on top of  
4 Mr. Nicolas.

5           Q.       So did he land on his back or on his  
6 front?

7           A.       He would have landed on his front.

8           Q.       Okay. And what part of his body did  
9 you then land on?

10          A.       It would be his left side of his back  
11 and hip.

12          Q.       Okay. And you said Mr. Nicolas landed  
13 on his front, the front side of his body?

14          A.       Yes. He would have landed on his  
15 stomach and chest area more than likely.

16          Q.       Did his head hit the pavement?

17          A.       Not that I'm aware of, no.

18          Q.       And his hands were handcuffed behind  
19 his back?

20          A.       Yes, ma'am.

21          Q.       What did he say when he fell, or what  
22 did you say to him?

23          A.       I do not recall him saying anything.

24          Q.       Did you say anything?

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1           A.     I do not recall anything specific being  
2   said, ma'am.   I would have helped him get back up,  
3   but that would have been about it.

4           Q.     When you were outside after having  
5   witnessed him fall, did you notice any injuries on  
6   him?

7           A.     I did not see any injuries, no.

8           Q.     Did he appear to be in pain when he was  
9   walking after the fall?

10          A.     Mr. Nichols didn't walk any different  
11   and didn't say anything, so I wouldn't have -- and  
12   I didn't notice anything.   So nothing was brought  
13   to my attention.

14          Q.     Now, did you fill out a -- I think you  
15   testified you filled out a 434 about that?

16          A.     Yes, ma'am.

17          Q.     If neither of you were injured, why did  
18   you fill out a 434?

19          A.     Just a common practice, anything  
20   happens in or out, to or from seg, such as a fall,  
21   that you need to report it just in case and that  
22   lets -- it would also notify a nurse to take a look  
23   at him.

24          Q.     Did you have a nurse take a look at